

of about in this circumstance is perfectly appropriate. However, the response to the Applicant's reply does not specifically address that M.P.E.P. section. Thus, perhaps, this was overlooked when maintaining the rejection. Reconsideration of the rejection contained in paragraph 2 is respectfully requested in view of the clear authority provided in M.P.E.P. Section 2173.05(b)(A).

With respect to the Examiner's arguments in paragraph 10, if this were the law, all the Examiner would need do is cite this paragraph in every single office action and nothing would be patentable. Of course, all kinds of basic principles are known, but none of these principles are applied in any of the cited references in the way set forth in the claim.

Contrary to the Examiner's assertion, at the claimed thickness, a dramatic effect on the reflection of blue light is produced. Thus, while the claim does not say anything about blue light, the claim does give the characteristics that cause this effect. Therefore, the Examiner cannot on one hand simply ignore the limitations to the claimed size ranges and on the other hand ignore the effect those size ranges have on the operation of the device.

Effectively, the Examiner is simply saying that the claimed size range is of no patentable significance despite the fact that it has significant functional effects. Moreover, these effects are nowhere shown in the art. Thus, it is entirely inconsistent to simply say that the claimed size range is merely a matter of choice and to ignore the effect those size ranges have on the resulting characteristics, especially when those characteristics are not possessed by the prior art.

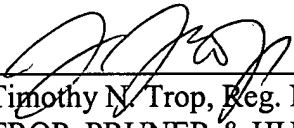
With respect to claim 16, the Examiner continues to withhold any substantiation for the Examiner's own subjective beliefs as to what would be obvious. Thus, this is plainly a failure to make out a *prima facie* rejection. See M.P.E.P. 2143. The Examiner contends that claim 16 does not recite "the silver layer is directly on the silicon substrate." Plainly the Examiner is mistaken since claim 16 cites "a silver layer formed directly on said silicon substrate." Plainly the Examiner's position here is untenable and it should be reconsidered.

In addition, the Examiner's reliance on Grupp in paragraph 12 is not understood. None of the rejections in any way make use of Grupp or substantiate any reason to modify any element in the other reference to reach the claimed invention. In effect, the Examiner has not and cannot rely on Grupp without withdrawing the final rejection. Thus, if the Examiner wants to modify the rejection set forth in paragraph 8 to include the Grupp reference, he can do so, but he must withdraw the final rejection.

In view of these remarks, reconsideration of the rejection is respectfully requested and the Examiner's prompt action in view thereof is respectfully requested.

Respectfully submitted,

Date: October 8, 2002



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